Secy. II-27-1-1

Food & Agriculture (1951) Department.

MS SERIES.

G.O. NO. 1946

Dated 2-10-1951

[Despatch Abstract.]

Land Acquisition - S. Kanara Dist, Mangalore taluk - Alape village - Acquisition of land for establishment of a model orchard cum nursery - notifications under section 4 (1) and 6 of Land Acquisition Act - Published

9731

Call Book Extract.

S. no.

Date of entry in
this Regr. -

Subject

16.
Agri - Fruit - Fruit products Dept. - Estt of model orchard cum nurseries - S. Kanara Dist. - Mangalore - Alape Village - Acquisition of lands. Orders issued.

Old C. no.

60628. R/50.

no. & Date of G.O. etc authorising the entry

G.O. Ms. no. 2421 F&A dt 29.1.51

Date when further action is to be taken

15. 3. 51

18.3.51.

F&A(R) Dept

Memo no 19731-R/51-1 dated 24-3-51

Pl issn
24/3/51.

Typed 28/3

Sub: Agri – Fruit and fruit products development – Estt of model Orchard cum nurseries – South Kanara Dist – Mangalore – Alape village – Acquisition of lands

Ref: GO 2424 MS F&A dated 29-12-50.

The Bd of Rev is requested to state when the draft notification and a draft declaration referred to in para 4 of the GO cited may be expected.

23/3/51

24/3/51

24/3/51

To Rev. Bd of Rev.

29/3

ROC.Bl.405/51.

S.Kanara Collector's Office,
Mangalore dated 5.4.51.

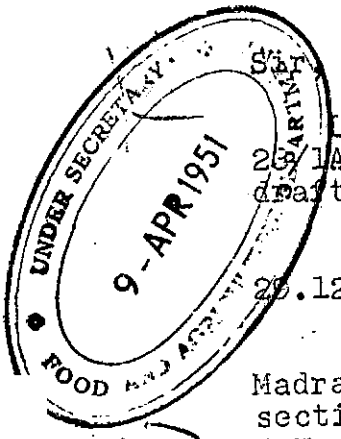
From

SRI A.R.RAJARATNAM,B.A.
Collector of South Kanara.

To

The Secretary to Government,
Food and Agricultural Department
Fort St. George Madras 9.
(in duplicate)

25318



LAND ACQUISITION: Mangalore taluk--Alape village--S,Nos. 23/1A 2B- for the establishment of model orchard cum nursery-draft 4(1) Notification--submitted.

***

Ref: G.O.No.Ms.2424 Food and Agriculture department dated 20.12.1950.

At the instance of the Director of Agriculture, Chepauk Madras, I submit herewith draft notification (in duplicate) under section 4(1) of the Land Acquisition Act for the acquisition of S.Nos.23/1A2B, 23/1A2C and 23/1C of Alape village, Mangalore taluk for the purpose of formation of a model orchard cum nursery. Urgency provision cannot be invoked in this case as the object for which the acquisition is proposed is not one included in the list of items for which such provisions are applicable. The approximate cost of acquisition will be reported at the time of submitting the Draft declaration.

I request that the draft notification under section 4(1) of the Land Acquisition act submitted herewith may be approved and published in the Fort St. George Gazette.

Yours faithfully,

For Collector

Enclosures

Copy to the Revenue Divisional Officer, Mangalore

Copy to the Director of Agriculture, Chepauk Madras.

Bd of Rev(Ir) IC/6.4.51.

Notification under section 4 of Act I of 1894 as amended by Act XXXVIII of 1923.

Whereas it appears to His Exeellency the Governor of Madras that the land specified in the schedule below and situated in Alape village of Mangalore taluk, South Kanara district is needed for a public purpose of establishing a MODEL ORCHARD CUM NURSERIES.

Notice to that effect is hereby given to all whom it may concern in accordance with the provisions of Section 4(1) of the Land Acquisition Act I of 1894 as amended by the Land Acquisition Amendment Act XXXVIII of 1923 and his Excellency the Governor of Madras hereby authorises the Revenue Divisional Officer Mangalore and his staff and workmen to exercise the powers conferred by section 4(ii) of the Act. Under section 3(c) of the Act His Excellency the Governor of Madras appoints the Revenue Divisional Officer, Mangalore to perform the functions of the Collector under section 5(A) of the Act.

SCHEDULE.

District: South Kanara.
Taluk: Mangalore
Village: Alape

Description of the land.	Name of the owner and occupiers.	Approximate extent.
Ryotwari - Dry S.No.23/1A2B	Registered holder 1.Dasappa Bhandary,Tenkabellur village Enjoyment by Chandra Bhagi Shedthi d/o Unhakke, Mermajal. Mulgenidars: S. Damodara Ramachandra Naik, Mannagudda, Mangalore. Chalgeni Tenant: Camil D'Souza	4.60 acres
S.No.23/1A2C Ryotwari- Dry.	Registered holder 1.Dasappa Bhandary of Tenkabellu village. Enjoyment by Devaki w/o Lakkanna Adapa, Chakrakode, Balepuni. Mulgenidar: Sagri Kaliyanithaya Govinda Rao s/o S.K.Anantha-Krishna Rao, Shivalli village Udipi taluk. Valamulagenidar: Green Vally Farms Ltd.,Alape represented by Managing Director Sri M.S.Kadamballithaya, Voleseri, Bellur village Post Adhur, Kasaragod.	11.69 acres
23/1C Ryotwari Dry.	Registered holder: Ratnavathi w/o Guddappa Alva, Bayar, Kasaragod taluk.	8.63 acres

Note: The extent noted is approximate.

S.Kanara Collector's Office
Mangalore dated 5.4.51.
IC/6.4.51.

For Collector

REVENUE DEPARTMENT,

Subject;

AGRICULTURE--Fruit and fruit products development--Establishment of model Orchard Cum nurseries--South Kanara District--Mangalore--Alape village Acquisiti n of lands.

31059 **
Ref:I. 24/51-2.

Dated 26-4-1951.

Madras.

Sri N.C.Thomas, B.A.,
Joint Secretary, Board of Revenue.

Sri W.R.S. Sattianathan, I.C.S.,
Commissioner of Land Revenue.

Read: G.O. Ms.No. 2424, Food and Agriculture, dated 29-12-1950.
Board's Ref. I. 24/51-1 dated 19-1-1951.

REFERENCE:

The Collector of South Kanara is requested to state when the draft notification and draft declaration referred to in para 4 of the G.O. cited may be expected.

N Subramanian 28.4.51

for Joint Secretary.

To the Collector of South Kanara.
Copy to the Secretary to Government, Food and Agriculture Department, Madras.

nedr.27-4.

F/f A (R) Deptt

To 28 Please see the copy of letter from the Bd of Rev addressed at p 7 above with reference to the Collector of South Kanara. The Bd's remarks to the endt at p 3 above may be awaited till 20.5.51.

3/5/51 Sd/- 3.5.51

4/5/51

Revenue Department.

Subject.

Acquisition - South Kanara - Mangalore Taluk - Alape village - Nos.23-1A 23- for the establishment of model orchard cum nursery - Draft Notification - Submitted.

- -

L.Dis I.24/51-3.

Station: Madras. Dated: 8-5-51.

ADDITIONAL ASSISTANT SECRETARY 11 MAY 1951 FOOD AND AGRICULTURE DEPT.

Sri N.C. Thomas, B.A., Joint Secretary
Sri W.R.S. Sattianathan, I. C.S.,
Commissioner of Land Revenue

..

p63-5 above

Read: From the Collector of South Kanara Roc.31.405/51 dated 5.4.51.
Government (Food & Agriculture) Endt. No.25548-R/51-2 dated 16.4.51.

..

p3 above

19731 R/51.

L.Dis.

33763

The Board recommends that the draft notification under Section 4(1) of the Land Acquisition Act, submitted by the Collector of South Kanara may be approved and ordered to be published in the Fort St. George Gazette.

N. Subramanian
6-5-51

for Joint Secretary.

To The Secretary to Government, Food & Agriculture Dept., with a copy of the Draft Notification.

CTJ/9.5

Notification under section 4 of Act I of 1894 as amended Act XXXVIII of 1923.

..

Whereas it appears to the Government of Madras that the land specified in the schedule below and situated in Alape village of Mangalore Taluk, South Kanara district is needed for a public purpose of establishing a MODEL ORCHARD CUM NURSERIES, notice to that effect is hereby given to all whom it may concern in accordance with the provisions of Section 4(1) of the Land Acquisition Act I of 1894 as amended by the Land Acquisition Amendment Act XXXVIII of 1923 and his Excellency theGovernor of Madras hereby authorises the Revenue Divisional Officer Mangalore and his staff and workmen to exercise the powers conferred by section 4(2) of the Act. Under section 3(c) of the Act His Excellency the Governor Madras appoints the Revenue Divisional Officer, Mangalore to perform the functions of the Collector under section 5(a) of the Act.

SCHEDULE.

District: South Kanara.
Taluk : Mangalore.
Village : Alape.

Description of the land:	Name of the owner and occupiers.	Approximate extent.
Kyotwari - Dry S.No.23/1A23	Registered holder: 1. Dasappa Bhandary, Tenkabettu village Enjoyment by Chandra Bhagi Shedthi d/o Chikakke, Mennajal.	4.60 acres.
	Mulgenidars: S.Damodara Manachandra Naik, Mannagudda, Mangalore, Chalgeni Tenant: Camil D' Souza	

p. t. o.

Mel 9816 7818

F & A Dept.

Memo No. 19731 R/51-5 Dt 28-7-57

Please urgently 9/8/57 307

Sub: Land Acquisition — South Kanara - Mangalore Tk — Alape village — For the establishment of model orchard cum nursery — Draft notification

Ref: Letter from the Collector of S. Kanara No. R.D.C. BI. 405/51 Dt 5-4-51

From the Bd of Rev No. L. Dis. I. 2/51-3 Dt 8-5-57.

p 3 cy

pp 9-10 cy

In his letter cited above the Collector of South Kanara has stated that the urgency provision under Section 17(1) of the Land Acquisition Act cannot be invoked in this case as the object for which the acquisition is proposed is not one included in the list of items for which such provisions are applicable. The Collector is apparently ~~referring~~ referring to the provisions in sub sec (2) of Sec 17 of the Act. But action in this case is proposed only with

'A' on p 3 cy

'B' on p 5 NC

reference to Section 17(1) - and there appears to the no objection to the urgency provisions under that sub-section having invoked if the land is waste or arable. The Collector of South Kanara is requested to clarify the position and also to state particularly whether the land proposed to be acquired is waste or arable and if so whether there is any objection to invoking the urgency provisions in Section 17(1) of the L.A. Act. If the Collector agrees, he is also requested to submit thro' the Bd of Rev a revised draft notification and a draft declaration as already ordered in para 4 of G.O.No. 24 24 Fd A 57, 29-12-50.

A reply is requested

To the Collector of S. Kanara

Copy to Bd of Rev.

2.4.1952 24.7.52 5757 15857 (2)

31.7.52

C.D. 15-8-52

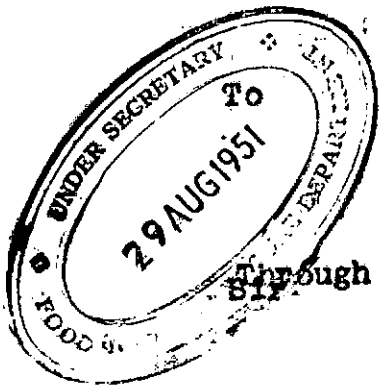
Roc. Bl. 405/51.

SOUTH KANARA COLLECTOR'S OFFICE,
Mangalore, dated 24- 8- 1951.

From

Sri. A. R. Rajaratnam, B. A.,
Collector of South Kanara.

60429



The Secretary to Government,
Food and Agriculture Department,
Fort. St. George, M a d r a s -

Through

The Secretary to the Board of Revenue, Land Revenue,
Chepauk, M a d r a s - 5.

Sir,

Sub:- Land Acquisition - South Kanara - Mangalore Taluk - Alapo village - S.Nos. 23/1A2C2 etc., for the purpose of establishment of model orchard cum nursery - Draft Notification - Report submitted.

Ref:- Government Memo No.19731/R/61-5 dated 28-7-1951.

The Revenue Divisional Officer, Mangalore who is the Land Acquisition Officor in this case reports that out of the plots proposed to be acquired, only S.No. 23/1A2 D contains buildings and garden trees. The remaining plots namely S.Nos.23/1A2C2 and 23/1C1 do not contain any garden trees, buildings, graves, tombs, temples or other religious edifices. In these circumstances the urgency provisions under section 17(1) of the Land Acquisition Act can be invoked only in respect of S.Nos.23/1A2C2 and 23/1C1 of Alapo village.

2. I submit herewith the revised draft 4 (1) Notification one with urgency clause and the other without the urgency clause in the light of the instructions contained in the Government Memo cited. The draft Declaration under section 6 of the Land Acquisition Act with regard to the item with urgency clause is also enclosed. It may be approved and ordered to be published in the Fort.St.George Gazette.

Yours faithfully,

For Collector.

Copy to the Secretary to Government Food and Agriculture Department Fort. St. George, Madras 9 (direct)
Copy to the Revenue Divisional Officer, Mangalore.
kvr/27-8-51.

NOTIFICATION UNDER SECTION 4 OF ACT I OF 1894 AS AMENDED BY ACT XXXVIII OF 1923.

WHEREAS e it appeans to his Excellency the Governor of Madras that the land specified in the schedule below and situated in Alape village of Mangalore Taluk, South Kanara District is needed for a public purpose of establishing a Model Orchard cum Nurseries.

Notice to that effect is hereby given to all whom it may concern in accordance with the provisions of section 4 (1) of the Land Acquisition Act I of 1894 as amended by the Land Acquisition Amendment Act XXXVIII of 1923 and His Excellency the Governor of Madras hereby authorises the Revenue Divisional Officer, Mangalore and his staff and workmen to exercise the powers conferred by sec.4 (1i) of the Act. Under section 3(c) of the Act, His Excellency the Governor of Madras appoints the Revenue Divisional Officer, Mangalore to perform the functions of the Collector under Section 5 (A) of the Act.

Under Sub Section (4) of Section 17 of the Act, His Excellency the Governor of Madras directs that in view of the urgency of the case, the provisions of sections 5-A of the Act shall not apply to this case

SCHEDULE.

District - South Kanara.

Taluk - Mangalore.

Village - Alape.

Description of the land Ryotwari - Dry-S.No.23/1A2C2	Name of the owner or occupier	Aproximate extent
Ryotwari - Dry. S.No.23/1A2C2	Registrered holder Dasappa Bhandary, Tenkabellur village enjoyment by Chandrabagi Shedthi d/o Unhakke Meramajal village. Mulgenidar - S.Damodara Ramachandra Nayak, Mannagudde, Mangalore.	4-55 acres.
S.No. 23/1C1 Ryotwari Dry.	Registered Holder - Ratnavathi W/O Gudappa Alva, Bayar, Kasaragod Taluk.	8- 63 acres.

FOR COLLECTOR.

South Kanara Collector's Office,
Mangalore, dated 24- 8- 1951.

kvr/27-8-1951.

Notification under section 4 of Act I of 1894 as amended by Act XXXVIII of 1923.

Whereas it appears to His Excellency the Governor of Madras that the land specified in the schedule below and situated in Alape village of Mangalore taluk, South Kanara district is needed for a public purpose of establishing a model orchard cum nurseries.

Notice to that effect is hereby given to all whom it may concern in accordance with the provisions of section 4(i) of the land Acquisition Act I of 1894 as amended by the land Acquisition amendment act XXXVIII of 1923 and His Excellency the Governor of Madras hereby authorised the Revenue Divisional Officer Mangalore and his staff and workmen to exercise the powers conferred by section 4-(ii) of the act. Under section 3(c) of the Act, His Excellency the Governor of Madras appoints the Revenue Divisional Officer Mangalore to perform the functions of the Collector under section 5(a) of the act.

SCHEDULE.

District: South Kanara.
Taluk: Mangalore.
Village: Alape

Description of the land:	Name of the owner and occupier.	Approximate extent.
Ryotwari-Dry S.No.23/1A2D	Registered holder; Dasappa Bhandary Tenkabellur village Enjoyment by Devaki w/o Lakkanna Adapa, Chakrakodi Belepuni village Mulganidar, Sagri Kallyanithaya Govinda Rao s/o S.K.Anantha Krishna Rao, Shivalli village Udipi taluk, Volamulagenidar: Green valley farms Ltd, Alape, represented by Managing Director Sri M.S Kadamballithaya, Volesiri Bellur village, Kasaragod.	9.32 acres

South Kanara Collector's office

Mangalore dated 24.8.1951.
IC/27.8.51.

For Collector.

NOTIFICATION

UNDER section 6 of the Land Acquisition act His Excellency the Governor of Madras hereby declares that the land specified below and measuring acres 13.18 by the same a little more or less, is needed for a public purpose, to wit, for a Model orchard cum Nursery and under sections 3 and 7 of the same act the Revenue Divisional Officer, Mangalore is appointed to perform the functions of a Collector under the act and directed to take order for the acquisition of the said land. Under sub section (1) of section 17 of the Act His Excellency the Governor of Madras further directs that the possession of the said land may be taken on the expiry of 15 days from the date of the publication of the notice mentioned in section 9(1) of the act. A plan of the land is kept in the office of the Revenue Divisional Officer, Mangalore and may be inspected at any time during office hours.

SCHEDULE.

District.	Taluk.	Village.	Description of land, wet or dry, inam or poramboke with survey or Paimash number.	Name of owner or occupier.	Extent to be taken up.
South Kanara.	Mangalore.	Alape.	Ryotwari dry S.W. 23/1A2C2	REGISTERED HOLDER Sri Dasappa Dhandary ENJOYER:Chandra Bhagi Shecthi MULGENIDAR: Sri S.Damodara Rama chandra Nayak.	Acres 4.55
			Ryotwari dry S.No.23/1C1	REGISTERED HOLDER Rathnavathi	8.63
					13.18

S.Kanara Collector's office)
Mangalore dated 24.8.51.)
IC/27.8.51.

For Collector. 27/8

To Drafts

Food and Agri (R)

Memo No 19731 R/51-8 dated 11.9.1951

Sub: Land Acquisition - South Kanara - Mangalore Taluk - Alape Village - Establishment of model orchard cum nursery - Draft notification.

Ref: 1. Govt. Memo No. 19731 R/51-5 dated 28.7.51.

2. from the Collector of South Kanara Roc. B1. 405/51 dated 24.8.1951.

The Board of Revenue is requested to kindly examine the revised draft notification submitted to it by the Collector of South Kanara and will be submitted forwards to Govt. with its remarks thereon.

The Board of Rev (Land Revenue) Madras (N.R. 15.9.51.)

3118/51 31.1.57

FOOD & AGRICULTURE(R).

IMMEDIATE
By messen

D.O.No.19781-R/51-10 D/14--9--1951.

Dear Mr. Thomas,

Sub: Land Acquisition - South Kanara District - Mangalore Taluk - Alape village - Establishment of model Orchard cum Nursery.

Ref: From the Collector of South Kanara, letter No.Roc.Bl. 405/51 dated 24-8-51 submitted to Govt. thro' Board of Revenue(L.R.)
Govt. Memo. No.19781-R/51-8 Food and Agri. dated 1-9-51.

--:--

I am to invite your attention to the letter from the Collector of South Kanara cited on the above subject. The Govt. desire that the Agricultural Department should be given possession of the land after ~~acquiring~~ it is acquired in accordance with the provisions of the Land Acquisition Act as expeditiously as possible in order to enable that Dept. to start the work forthwith.

2. The land proposed to be acquired is reported to consist of three plots, of which only one plot is said to contain buildings and garden trees. It appears that while the plot containing buildings and garden trees can be taken possession of only after the award under Section 11 of the LA Act is passed, ~~While~~ the two remaining plots can be taken possession of on the expiry of 15 days from the publication of the notice under Section 9(1) of the Act. I am ~~therefore~~ to request you to ~~submit~~ forward with the Board remarks the necessary draft notifications etc. submitted by the Collector of South Kanara under the Land Acquisition Act for approval of Government and for immediate publication in the Fort St. George Gazette.

I ~~will~~ shall be greatful to you for an immediate reply in the matter.

Y.S.

Sri N.C.Thomas, B.A.,
Jt. Secy. Board of Rev(L.R)
Madras.
Copy to the D.A.

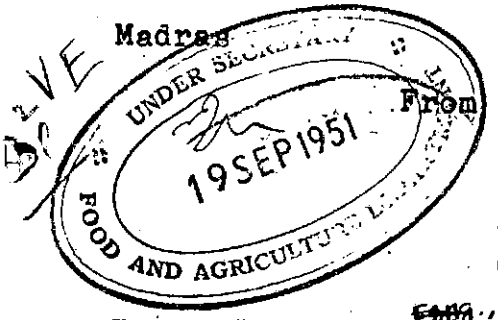
REVENUE DEPARTMENT

SUBJECT

LAND ACQUISITION--South Kanara--Mangalore taluk--Alape village--S.Nos.23/1A2C2 etc. for the purpose of establishment of model orchard cum nursery--Draft notification

Madras

Bd's Ref.I.6152/51-1 dated 17-9-51



From

Sri A.F.Mascarenhas, I.A.S.
Secretary, Board of Revenue.
Sri W.R.S.Sattianathan, I.C.S.
Commissioner of Land Revenue.

65725

Read: Government Memo No.19731-R/51-5 F&Ag. dated 28-7-51
South Kanara Collector's Roc.B1.408/51 dated 24-8-51
Government Memo No.19731R/51-8 F&Ag. dated 1-9-51

Submitted to the Government with reference to their memo first cited above.

2. In the circumstances reported, the Board recommends that the draft notification and the draft declaration under sections 4(1) and 6 of the Land Acquisition Act with the urgency clause under section 17(1) of the Act in respect of S.Nos.23/1A2C2 and 23/1C1, and the draft notification under section 4(1) without the urgency clause in respect of S.No.23/1A2D of Alapa village submitted by the Collector of South Kanara may be approved and ordered to be published in successive issues of the Fort St.George Gazette the 4(1) notifications being published earlier.

For Secretary.

To The Secretary to Government, Food and Agriculture Dept.
with encls.

RR
1119

Roc. Bl. 405/51.

SOUTH KANARA COLLECTOR'S OFFICE.
Mangalore, dated 24- 8- 1951.

From

Sri. A. R. Rajaratnam, B. A.,
Collector of South Kanara.

To

The Secretary to Government,
Food and Agriculture Department,
Fort. St. George, M a d r a s - 9.

Through
The Secretary to the Board of Revenue, Land Revenue,
Chepauk, M a d r a s - 5.

Sir,

Sub:- Land Acquisition - South Kanara - Mangalore Taluk - Alape village - S.Nos. 23/1A2C2 etc., for the purpose of establishment of model orchard cum nursery - Draft Notification - Report submitted.

Ref:- Government Memo No.19731/R/51-5 dated 28-7-1951.

The Revenue Divisional Officer, Mangalore who is the Land Acquisition Officer in this case reports that out of the plots proposed to be acquired, only S.No. 23/1A2 D contains buildings and garden trees. The remaining plots namely S.Nos.23/1A2C2 and 23/1C1 do not contain any garden trees, buildings, graves, tombs, temples or other religious edifices. In these circumstances the urgency provisions under section 17(1) of the Land Acquisition Act can be invoked only in respect of S.Nos.23/1A2C2 and 23/1C1 of Alape village.

I submit herewith the revised draft 4 (1) Notification one with urgency clause and the other without the urgency clause in the light of the instructions contained in the Government Memo cited. The draft Declaration under section 6 of the Land Acquisition Act with regard to the item with urgency clause is also enclosed. It may be approved and ordered to be published in the Fort.St.George Gazette.

Yours faithfully,

27/8

For Collector.

Copy to the Secretary to Government Food and Agriculture Departmen. Fort. St. George, Madras 9 (direct)
Copy to the Revenue Divisional Officer, Mangalore.
kvr/27-8-51.

NOTIFICATION UNDER SECTION 4 OF ACT I OF 1894 AS AMENDED BY ACT XXXVIII OF 1923.

WHEREAS it appears to ~~his Excellency~~ the Governor of Madras that the land specified in the schedule below and situated in Alape village of Mangalore Taluk, South Kanara District is needed for a public purpose viz establishing a Model Orchard cum Nurseries.

Notice to that effect is hereby given to all whom it may concern in accordance with the provisions of section 4 (1) of the Land Acquisition Act I of 1894 as amended by the Land Acquisition Amendment Act XXXVIII of 1923 and His Excellency the Governor of Madras hereby authorises the Revenue Divisional Officer, Mangalore and his staff and workmen to exercise the powers conferred by sec.4 (ii) of the Act. Under section 3(c) of the Act, His Excellency the Governor of Madras appoints the Revenue Divisional Officer, Mangalore to perform the functions of the Collector under Section 5 (A) of the Act.

Under Sub Section (4) of Section 17 of the Act, His Excellency the Governor of Madras directs that in view of the urgency of the case, the provisions of sections 5-A of the Act shall not apply to this case

SCHEDULE.

District - South Kanara.

Taluk - Mangalore.

Village - Alape.

Description of the land ~~Ryotwari - Dry-S.No.22/1A2C2~~	Name of the owner or occupier	Aproximate extent
Ryotwari - Dry. S.No.23/1A2C2	Registrered holder Dasappa Bhandary, Tenkabellur village enjoyment by Chandrabagi Shedthi d/o Unhakke Meramajal village. Mulgenidar - S.Damodara Ramachandra Nayak, Mannagudde, Mangalore.	4-55 acres.
S.No. 23/1C1 Ryotwari Dry.	Registered Holder - Ratnavathi W/O Gudappa Alva, Bayar, Kasaragod Taluk.	8- 63 acres.

FOR COLLECTOR.

South Kanara Collector's Office,
Mangalore, dated 24- 8- 1951.

kvr/27-8-1951.

Notification under section 4 of Act I of 1894 as amended by Act XXXVIII of 1923.

Whereas it appears to His Excellency the Governor of Madras that the land specified in the schedule below and situated in Alape village of Mangalore taluk, South Kanara district is needed for a public purpose viz for establishing a model orchard cum nurseries.

Notice to that effect is hereby given to all whom it may concern in accordance with the provisions of section 4(i) of the land Acquisition Act I of 1894 as amended by the land Acquisition amendment act XXXVIII of 1923 and His Excellency the Governor of Madras hereby authorises the Revenue Divisional Officer Mangalore and his staff and workmen to exercise the powers conferred by section 4 (ii) of the act. Under section 3(c) of the Act, His Excellency the Governor of Madras appoints the Revenue Divisional Officer, Mangalore to perform the functions of the Collector under section 5(A) of the Act.

SCHEDULE.

District: South Kanara.
Taluk: Mangalore.
Village: Alape

Description of the land:	Name of the owner and occupier.	Approximate extent.
Ryotwari-Dry S.No.23/1A2D	Registered holder; Dasappa Bhandary Tenkabellur village Enjoyment by Devaki w/o Lakkanna Adapa, Chakrakodi Belepuni village Mulganidar. Sagri Kallyanithaya Govinda Rao s/o S.K.Anantha Krishna Rao, Shivalli village Udipi taluk. Volamulagenidar: Green valley farms Ltd, Alape, represented by Managing Director Sri M.S Kadamballithaya, Volesiri Bellur village, Kasaragod.	9.82 acres

South Kanara Collector's office

Mangalore dated 24.8.1951.
IC/27.8.51.

For Collector.

NOTIFICATION

UNDER section 6 of the Land Acquisition act His Excellency the Governor of Madras hereby declares that the land specified below and measuring acres 13.18 be the same a little more or less, is needed for a public purpose, to wit, for a Model orchard cum Nursery and under sections 3 and 7 of the same act the Revenue Divisional Officer, Mangalore is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land. Under sub section (1) of section 17 of the Act His Excellency the Governor of Madras further directs that the possession of the said land may be taken on the expiry of 15 days from the date of the publication of the notice mentioned in section 9(1) of the Act. A plan of the land is kept in the office of the Revenue Divisional Officer, Mangalore and may be inspected at any time during office hours.

SCHEDULE.

District.	Taluk.	Village.	Description of land, wet or dry, inam or poramboke with survey or Paimash number.	Name of owner or occupier.	Extent to be taken up.
South Kanara.	Mangalore.	Alape.	Ryotwari dry S.W. 23/1A2C2	REGISTERED HOLDER Sri Dasappa Dhandary ENJOYER: Chandra Bhagi Shedthi MULGENIDAR: Sri S.Damodara Ramachandra Nayak.	Acres 4.55
			Ryotwari dry S.No.23/1C1	REGISTERED HOLDER Rathnavathi	8.63
					13.18

S.Kanara Collector's office)
Mangalore dated 24.8.51.)
IC/27.8.51.

...r Collector.

Food and Agriculture Department

Abstract: Land Acquisition - South Kanara district, Mangalore taluk - Alape village - Acquisition of land for establishment of a model orchard cum nursery - Notifications under section 4(1) and 6 of the Land Acquisition Act - Published.

Read again: G.O.Ms.No. 2424, Food and Agriculture, dated 29.12.50

Read: From the Board of Revenue (Civil Supplies) Ref. No. I.6152/51-1 dated 17.9.51.

G.O. Ms. No. 1946 FHA dated 2-10-51

The draft notification and the draft declaration under sections 4(1) and 6 of the Land Acquisition Act with the urgency clause under section 17(1) of the Act in respect of S. Nos. 23/I.A2 and 23/I.C1 and the draft notification under section 4(1) without the urgency clause in respect of S. No. 23/I.A2.D of Alape village, Mangal Sk.Dt. submitted by the Board of Revenue with its reference cited are approved, and forwarded to the Superintendent, Government Press, for publication in the Fort St. George Gazette. The Superintendent, Government Press is requested to see that the notifications and the declaration are published in successive issues of the Fort St. George Gazette, the notifications under section 4(1) being published earlier.

2. The Government accept the view that the acquisition is an urgent one for a public purpose and under section 17(4) of the Land Acquisition Act direct that the provisions of section 5-A of the Act shall not apply to this case in respect of S. Nos. 23/I.A2 C2 and 23/I.C1.

To The S.G.P. with pp. 29, 33 and 37 c.f. for publication in F.S.G.G.
Copy to the Bd. of Rev. (L.R.)
The Collr. of S. Kanara
A.G. Thro' Fin.
Copy to D.A.
S.F.
Spare 2.

Food & Agri (R) Dept.

Sub: Agri - Fruit and Fruit products - Development - Establishment of Model Orchard cum Nurseries South Kanara Dist., Mangalore - Alape village - Acquisition of lands - Draft notification.

Ref: From the Bd. of Rev. No. L.Dis. I. 24/51-3, dated 8--5--1951.

In G.O. No. 2424Ms F & A dated 29-12-1950 sanction was accorded for the acquisition of 24.92 acres of lands in Alape village near Mangalore, South Kanara Dist. for the establishment of a model Orchard cum Nursery, and in para 4 of the G.O. the Collr. of S. Kanara was asked to take steps for the acquisition of lands resorting to the emergency provisions under sec 17(1) of the L.A. Act. The Collr. has now submitted a draft notification under sec. 4 (¢) only stating that urgency provision cannot be invoked in this case as the object for which the acquisition is proposed is not one included in the list of items for which such provisions are applicable. The Bd. of Rev. has also recommended the publication of Sec. 4 (1) notification. It may be noted that in a similar case, i.e., for acquisition of land for establishment of model orchard cum nurseries in Madurai Dt., it is proposed to invoke the urgency provision in 17(1), on the recommendation of the Collr. of Madhurai and the Bd. of Rev. In the present case as the Collr. of S. Kanara considers that the urgency provision need not be invoked it is for orders whether the Collr's view may be accepted and the draft 4 (1) notification published. Subject to approval a draft order is submitted. Rev & Fin may see for acceptance

21/5/51

21.5.51

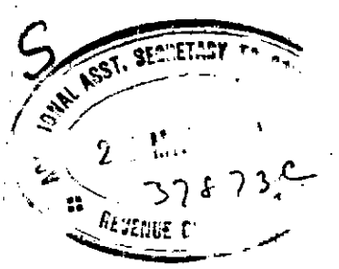
Rev. Dept may be requested to offer remarks on how one Collr could see his way to invoking the Emergency Provisions of S 17(1) of the L.A. Act in a case parallel to this one where another Collector is of the view that the object for which the acquisition is proposed is not one included in the list of items for which emergency provisions are applicable

22/7/51.

FfA No/19731R/51-3
2.5.51.

Rev

Fin



Rev. Dept.

To H.S.

Please see the F&A Dept note on pp 1-2 above.

2. In G.O. No. 2424, F&A Dated 29-12-50 the Government sanctioned the acquisition of 24.92 acres of land in Alape village near Mangalore, S. Kanara district for the establishment of a model orchard cum Nursery and in para 4 of the G.O. the Collector of S. Kanara was asked to take steps for the acquisition of lands resorting to emergency provisions under Section 17(1)* of the L.A. Act.

Copy at (A) in L.F. (vide note on p 1 ante) Flag (A) in 1 f. is G.O. 2422 F&A dt 29-12-50 & not 2424 dt 29-12-50. Flag (A), with details & augment of land in Mangalore Dt. may please be kept with this file & duly up a proper note. L 5/1/52

* p 12 of LA Manual

3. Section 17 (1) of the L.A. Act provides for taking possession of land 15 days

after the publication of the notice under Section 9(1) of the Act. Under Section 17(1) of the Act emergency provisions can be applied in respect of lands which are waste or arable, notwithstanding the existence thereon of scattered trees, temporary structures such as huts, pandals or sheds. It is not clear from the Collector's report whether the land in question is arable or waste. J+A may get the information from the Collector of S. Kanara before the notifications are approved.

With these remarks the file may be returned to J+A.

Dear 21/2/57

See remarks in the previous note.

Put up a proper note & return.

21/2/57

J+A

To A.S. (L)

Put up the draft reply to the Collector of S. Kanara.

21/2/57

J+A

Vide G.O. No. 2424 Rev. dated 29.12.56, the Govt. approved the proposals of the Director of Agriculture for the acquisition on ex-lease of 24.92 acres of land in Alape village near Mangalore, South Kanara Dt. for the establishment of a model orchard cum nursery. In para 4 of the G.O. the Collector of South Kanara was asked to take necessary steps in consultation with the Director of Agriculture for the acquisition of the land according to the urgency provisions under Section 17(1) of the L.A. Act. The Collector of South Kanara has since submitted the draft notifications under Sec 4(1) of the L.A. Act but in regard to the application of the urgency provisions under Sec 17(1) of the Act, he has stated that there

pp 10 (L)

pp 3-5 CF

Office may take delay in submitting the file should the authorities concerned the furnish the full information (one month was fixed by Govt. to watch the 21/2/57 21/2/57

provisions cannot be invoked in the present case as the object for which the acquisition is proposed is not one included in the list of items for which such provisions are applicable. Apparently the Collr. is referring to the list of objects mentioned in Sec. 17(3) of the Act. In a similar case, i.e, establishment of one a model orchard cum nursery in the Madurai District, the Collr. of Madurai has submitted the necessary notification to invoke the emergency provisions of Sec 17(4) of the Act. ~~Govt.~~ FAA have raised the question how and the Collr. could see his way to invoking the emergency provisions under Sec 17(4) of the Act while another collector is of the view in a similar case that the object for which the acquisition is proposed is not one included in the list of items for which emergency provisions are applicable.

Sec 17(1) of the LA Act lays down that in cases of urgency, whenever the Local Govt. so directs, the Collr may on ~~that~~ the expiration no award has been made under Sec 11 of the Act, the Collr. may on the expiration of 15 days from the publication of the notice mentioned in Section 9(1), take possession of any waste or arable land needed for public purposes or for a company. To apply the provisions of this section, two criteria should be satisfied, namely the land should be a waste or arable land and the land should be needed for a public purpose.

The draft notification under Sec 4(1) submitted by the Collr of S. Kanara states that the land is required for a public

purpose, namely, for the establishment of a model orchard cum nursery. But the Collr's report does not contain any info'n whether the lands proposed to be acquired are waste or arable lands or not. In the case of the Madura it is clearly mentioned in the draft note circulated that the lands proposed to be acquired are waste or arable lands. The Reason for the Collr of Sikakulam not invoking the provisions of Sec 17(1) of the Act appears to be that the lands are not waste or arable lands. F & A may get this clarified by a reference to the Collr of Sikakulam.

With these remarks, the file may be returned to F & A.

p 19 CF or L.7

A

11/7/51 'A' above is not likely to be the reason in the mind of the Collr for in his letter at p-3-CF he has stated that the Object of acqn in this case is not one included in the list of items for which such provisions are applicable'. The Collr is perhaps referring to the provisions in Sub section (2) of Sec 17 of the Land Acqn Act. But action in this case is proposed only with regard to Sec 17-(1) and there appears to be no objection to the urgency provisions under that sub section being taken if the land is waste or arable. F & A may get the position clarified by a reference to the Collr.

S | F & A

51291

D.O. 3787-Sec/51

18-7-51

Rem. D.O. 3787-Sec/51 dt 18-7-51 Worked below

F & A

THIRD ASSISTANT SECRETARY TO THE GOVERNMENT
20 JUL 1951
FOOD DEPARTMENT

The case may be sent to Revision as already recommended by Hon'ble Minister (S) on p 1 above.

24/7/57 — 24.7.57 — 25.7.57 — D. S

Issued as Memo No. 19731/R/51-5 dt 28-7-57 pp 11-12 cf.

or

Please see the ~~letter~~ advance copy of the letter from the Collector of S. Kanara at pages 13-19 cf. The Board of Revenue may be requested to expedite its remarks on it. Subject to orders, a draft Memo is submitted for approval

31/8/57 — 31-8-57 — 2.9.57

[Issued as Memo No. 19731/R/51-8 d 1.9.1957] pp 14 cf.

SPECIAL.

D.S., F.& A.

Regarding the establishment of a model orchard cum nursery in South Kanara District, I understand the concerned parties have no objection to the acquisition of land. The Agriculture Dept. may ask the Collector to give them possession of the land immediately so that work may be started forthwith. The compensation for the land acquired may be fixed in due course.

2. As regards the site selected for starting the cashew research station, I am told that the soil has been sent for analysis. This analysis may be expedited so that the plot may be acquired early if found suitable.

Extract sent in K' 3/9/51

DEPUTY SECRETARY 3 SEP 1951 FOOD AND AGRICULTURE DEPARTMENT

31/8/51
H.M.(Agri)

FOOD & AGRICULTURE(R).

With reference to the minutes of H.M.(Agri) in para 1 above, attention is invited to the advance copy of the letter from the Collector of South Kanara at p. 13 c.f., wherein he has stated t out of the 3 plots proposed to be acquired for the purpose the urgency provisions under Section 17(1) of the Land Acquisition Act can be revoked invoked in respect of 2 plots only, as the third plot contains buildings and ~~the~~ garden trees. The Board's remarks on the Collector letter are awaited.

The Board may be asked to issue necessary instructions to the Collector of South Kanara in view of the minutes of H.M. above, and at the same time to submit necessary draft notifications under the Land Acquisition Act for approval of Govt. and for ~~giving~~ immediate publication in the Fort St. George Gazette.. Subject to orders, a draft D.O. is submitted for approval. Revenue may see before issue.

4-9-51

Rev. may see w.r.t. 'D' on p. 13 c/y, and also verify whether taking possession of the lands without going through the minimum formalities prescribed might not

us into any legal complications -

DS

I think the LA Manual provides for taking possession of lands in advance of the parties agreeing. Pl look it up

Please deal with this gently & Spoke to me about this -

7/4/45

Z

2 Subsd. that possession in accordance with the provisions of the LA. Act cannot be taken in anticipation of the proper proceedings being taken to acquire the land. Possession under such circumstances can be secured only in one way, viz., by private arrangement, ie, if the owners of the land agree in writing to permit the departmental Officer Concerned to take possession in Consideration of the fact that formal acqn proceedings are pending. Such possession by private

Cf. Chapter XX & III of LA Manual (Part II)

arrangement & not possession in accordance with the provisions of the L.A. Act and does not prevent the Govt. from withdrawing from the Govt. agrt. It is, however, seldom desirable to take possession of the land in this way, for the action of the Deptl. Officer in so taking possession is likely to lead to difficulties, should the Govt. eventually decide not to acquire the land under the Act and may possibly lead to complications and claims to damages should the reputed owners from whom written consent was taken prove not to be the true owners of the land.

2. In the present case, although the Govt. have decided to acquire the land for the establishment of a model orchard cum nursery, the likelihood of complications arising out of claims to damages is always there and cannot be ruled out if the land is taken possession of by private arrangement. But the following the prescribed formalities means delay. only two plots of land can be acquired under the urgency provisions under-

Cf para 4 of
GO 2424 Fin.-L
29.12.50.

Section 17 (1) on the expiry of 15 days from the date of publn of the notice in the F.S.G.G, while the third remaining plot containing buildings and garden trees can be acquired only subsequently. It is unique for consideration whether it is expedient to take possession of the three plots in question by private arrangement pending ~~further proceedings~~ formal acqn proceedings, by asking the Board of Rev. to issue instructions to the Collr and at the same time to submit the necessary draft notices etc for approval and publn by Govt. If so, the case may be sent to Board of Rev. for remarks whether the position stated above is correct and whether action as at 2 above can be taken. Fin. and Legal may also see.

6-9-51.

In order on '2' above.

5/9/51.

DS

Rev maybe requested to advise on this note on p. 7 ante.

6/9/51 Rev

To A.S.

This & pl's previous notes are at pages 3-5 ante. The ~~memo~~ memo to the Collr. of South Kanara at pages 11-12 cf, the Report from the Collr. at page 13 cf, the minutes of H.M. (Agri) at page 7 ante and the notes of 7th A at pages 7-9 above may be perused.

2. In the present case, certain lands

ASSISTANT SECRETARY TO GOVERNMENT
6 SEP 1951
REVENUE DEPARTMENT

Food Crops
13731/F/9-9

614/9 C

ASSISTANT SECRETARY TO GOVERNMENT
SEP 1951
63630
REVENUE DEPARTMENT

7/9/51

edifices. He has proposed that the provisions of Sec. 17(1) may be invoked only in respect of the latter two Sros. The Land Acquisition Officer should verify by inspection either by himself or by a responsible subordinate that all plots of land in respect of which the Govt. are moved to apply the provisions of Sec. 17(1) or 17(4) of the Act are actually waste or arable, notwithstanding the existence thereon of scattered trees or temporary structures such as huts, pandals or sheds and that there are no buildings, tombs or graveyards on them. Apparently the Collr. means that in respect of Sro 23/1A2D which the provisions of Sec. 17(1) cannot be ~~applied~~ invoked as it contains buildings, and that in respect of the other two Sros, the provisions of Sec. 17(1) can be invoked as they are waste or arable lands and contain no objectionable features such as buildings, tombs, graveyards etc.

The position therefore is that if possession in accordance with the provisions of the Act is to be taken, it can be done in respect of Sro 23/1A2D only after the award under Sec 11 of the Act is passed and in respect of the other two Sros, possession in accordance with the provisions of the Act can be taken after the expiry of fifteen days from the publication of the notice under Sec 9(1) of the Act. If possession is taken by private agreement, the possession will not be in accordance with the provisions of the Act and it does not prevent the Govt. from withdrawing from the acquisition.

With these remarks, the file may

be Returned to F&A.

Lee 7/9/51

7.9.57

F&A.

Rev ms 636?

SUMMARY.

(Revenue Notes on pages 11-14 above)

The file relates to the question of acquiring certain land for the establishment of a model orchard-cum-nursery in Alpe Village, Mangalore Taluk, South Kanara District. The Collector of South Kanara has submitted draft notifications under sections 4(1) and (6) of the L.A. Act through the Board of Revenue and the board's proposals on them are awaited.

2. At page 7 ante H.M.(Agri) has minuted that the concerned parties have no objection to the acquisi of the land. He has ~~asked~~ advised that the Collector should be asked to take possession of the land immediately and hand it over to the Agricultural Department, so that work might be started, forthwith.

3. The question whether the land can be taken possession of in advance if the parties are agreeabl has been examined in cosultation with the Revenue Department. Possession in accordance with the provisions of the Act cannot be taken in anticipation of the proper proceedings being taken to acquire the land. Possession can be taken by private arrangement if the owners of the land agree in writing to permit the departmental officer concerned to take possession in consideration of the fact that formal proceedings are pending. But such possession by private arrangement is not possession in accordance with the provisions

of the Land Acquisition Act and does not prevent the Government from withdrawing from the acquisition. It is apparently with reference to this that Hon'ble Minister (Agriculture) has suggested that the lands may be taken possession of immediately. This procedure is seldom resorted to as the action of the departmental officer in so taking possession is likely to lead to complications and claims to damages, should the reputed owners from whom written consent was taken, prove not to be the true owners.

4. The only other course would appear to be to take possession in accordance with the provisions of the Land Acquisition Act. The Land proposed to be acquired is reported to consist of three plots, of which only one plot is said to contain buildings and garden trees. The plot containing buildings and garden trees can be taken possession of only after the award ~~unless~~ under section 11 of the Act is passed, while the two ~~recurring~~ remaining plots can be taken possession of after the expiry of 15 days from the publication of the notice under section 9(1) of the Act. For this purpose, the necessary proposals from the Board are awaited.

5. In the above circumstances, it is for condieration,

(i) whether possession should be taken of the land by private arrangement, if the

owners of the land agree in writing to ~~point~~ permit the departmental officer ~~should~~ concerned to it, in consideration of the fact that formal proceedings are pending even though such a possession is not in accordance with the provisions of the Act; or

(2) whether ~~provision will~~ possession shall be taken in accordance with the provisions of the Act as indicated in paragraph 4 above.

6. If proposal (1) above is ~~to be~~ adopted, Finance may see.

10/10/57. SR 10.9.57

All things considered, it seems advisable to take possession in accordance with the provisions of the L.A. Act. Board & Rev. however, may be instructed to arrange that the proceedings are gone through in the quickest possible time -

(may be circulated).

11 9 57

I agree with U.S. in view of Rev Dept's advice.

3/11/57

DS

HM(Agri)

DEPUTY SECRETARY FOOD AND AGRICULTURE 11 SEP 1951

'A' on page 15 can be made to be done as expeditiously as possible.

HM (Agri)

11/9

Orders in Dr at M on p 16 above:

A draft D.O to the Joint Secretary to the Board of Rev (A.R) is submitted for approval

13/9/57 — 14/9/57

14. 14.9.57

U.S / 14/9 / At very / 7/

NDS

p 23 cf

[Issued as D.O. Lr. No. 19731 Rg-10 dt 14.9.1951.
From the Board of Rev (A.R) Rg. 1.6152/51-1911951]

Please see the Board's report at p 25 cf and the enclosures to it at pp 27-39 cf. The Board has agreed with the report of the Collr of South Kanara and has recommended that the draft notification and the draft declaration under sections 4 (1) and 6 of the L.A. Act with the urgency clause under section 17(1) of the Act in respect of S. No 23/1. A 2. C2 and 23/1. C1 and the draft notification under section 4(1) without the urgency clause in respect of S No 23/1 A 2 D of the Alpe Village may be approved and ordered to be published in successive issues of the B.S.G. the 4(1) notifications having published earlier.

p 24 cf
p 37 cf

p 22 cf

The Board's proposals may be agreed to. A draft Order is submitted for approval. Revenue and Finance may see before issue

vide notes in Dr at A on p 15 above

Food & Agri U.O.NO 19731 Rg-11

24/9/57 — 24.9.57

Rec'd GOVERNMENT 25/9/57

6991/C

25/9/57

Pro. Notes

To AS

[Last seen on pp 10-14 ante]
The notes from p 15 ante and the draft order below may be perused & the file passed on to Sri

25/9/51

26/9/51

Rev no 67916 C/51-1

26-9-51

Finance (Accounts) Department.

In G.O.No.2424, F.& A., dated 29-12-1949, sanction was accorded for the acquisition of 24.92 acres of lands in Alape village, near Mangalore, for the establishment of a model orchard cum-nursery, and the Collector of South Kanara was also asked to take steps for the acquisition of lands resorting to the emergency provisions under Section 17(1) of the Land Acquisition Act.

ASSISTANT SECRETARY, FINANCE DEPARTMENT
70541 Acc
26 SEP 1951
GOVERNMENT OF MADRAS

The Collector of South Kanara has now submitted through the Board of Revenue, the draft notifications under Sections 4(1) and 6 of the Land Acquisition Act. The total area now proposed for acquisition will be approximately 23 acres. This is slightly less than the extent of 24.92 acres mentioned in para 2 of G.O.No.2424, F.& A., dated 29-12-1950. The cost of the acquisition of this extent was estimated at Rs 45,575. It may probably be less for 23 acres now proposed to be acquired.

The draft order below may be perused, and the case returned to Food & Agriculture Department.

pp 12-19 C.F and pp 25-39 C.F

(5) 4-55 acres
8-63 "
9-82 "
23.00

* Copy at (4)

✓ para 2 of (4)

29/9

F+A

29-9-51

6-15 PM

68035(a)/51

29/9.

Rec'd

Fin no 70541 Accts/51-4

29-9-51.